

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 11  
 )  
MONTERREY WHOLESALE, INC. ) CASE NO. 09-90983-JEM  
 )  
Debtor. )

**MOTION OF DEBTOR-IN-POSSESSION MONTERREY  
WHOLESALE, INC. TO DISMISS CHAPTER 11 CASE**

Monterrey Wholesale, Inc., the Debtor-in-Possession (hereinafter the “Debtor”) in the above-referenced Chapter 11 case, hereby files its Motion to Dismiss this Chapter 11 case pursuant to 11 U.S.C. §1112.. In support thereof, Debtor shows the following:

1.

On November 23, 2009 (the “Petition Date”), the Debtor commenced the above-captioned case by filing voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2.

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334. The subject matter of this motion is a “core proceeding” pursuant to 28 U.S.C. § 157(b)(2)(A) and (M). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3.

Since the Petition Date, Debtor has operated the business as a Debtor-in-Possession.

4.

The Debtor believes that Wachovia Bank, N.A. (“Wachovia”) holds a security interest in the inventory, accounts, revenues and other personal property of the Debtor. On February 1, 2010, the Court entered an Order authorizing the use of cash collateral. Debtor does not believe it has any property or assets of value that are not encumbered by a lien from Wachovia or other lenders.

5.

Although the Debtor has operated at a slight positive cash flow since the Petition Date, the Debtor believes that it will not be able to generate sufficient income over the long run to fund future administrative expenses and propose a feasible plan of reorganization with a meaningful distribution to creditors.

6.

Debtor’s officers have decided to close and wind down the Debtor’s business.

7.

Counsel for the Debtor has been in contact with counsel for Wachovia concerning the preservation of its collateral. As the accounts receivable and

inventory of the Debtor constitute a significant part of Wachovia's collateral, the Debtor believes that it is in the best interests of the parties to seek a dismissal as soon as reasonably possible so that Wachovia may take the appropriate steps to preserve its collateral.

8.

The Debtor believes that it will be able to pay all administrative expenses and U.S. Trustee fees. Debtor will also file all operating reports through the date of a dismissal.

WHEREFORE, based upon the above-referenced facts, Debtor Monterrey Wholesale, Inc. respectfully requests that the Court dismiss this Chapter 11 case pursuant to 11 U.S.C. §1112.

Respectfully submitted this 6<sup>th</sup> day of May 2010.

/S/

Scott B. Riddle, Esq.  
GA Bar No. 604855  
Suite 3250 One Atlantic Center  
1201 West Peachtree Street, NW  
Atlanta GA 30309  
Telephone: (404) 815-0164  
*Counsel for Debtor*

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 11  
 )  
MONTERREY WHOLESALE, INC. ) CASE NO. 09-90983-JEM  
 )  
Debtor. )

**NOTICE OF HEARING ON DEBTOR'S MOTION TO DISMISS**  
**CHAPTER 11 CASE**

**PLEASE TAKE NOTICE** that Debtor Monterrey Wholesale, Inc. has filed a Motion to Dismiss its Chapter 11 Case (the "Motion") with the Court in the above-styled case.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Motion in Courtroom 1404, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia at 11:00 a.m. on June 1, 2010. Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to grant relief sought in these pleadings or if you want the Court to consider

your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response to the Clerk. The address of the **Clerk's Office is clerk, U.S. Bankruptcy Court, 75 Spring Street, Atlanta, Georgia 30303.** You should also mail a copy of your response to the undersigned at the address stated below.

This 6<sup>th</sup> day of May 2010.

/S/  
Scott B. Riddle, Esq.  
GA Bar No. 604855  
Suite 3250 One Atlantic Center  
1201 West Peachtree Street, NW  
Atlanta GA 30309  
Telephone: (404) 815-0164  
*Counsel for Debtor*

**CERTIFICATE OF SERVICE**

This is to certify that I have caused this day to be served a true and correct copy of the foregoing ***Motion to Dismiss and Notice of Hearing*** by depositing same in United States Mail in a properly addressed envelope with adequate postage thereon to the service list attached hereto.

This 6<sup>th</sup> day of May 2010.

/S/ \_\_\_\_\_  
Scott B. Riddle, Esq.

Monterrey Wholesale, Inc.

Office of the US Trustee

PFG Milton's, Inc.

Ste 112

Suite 362

c/o Simpson Law Offices, L.L.P.

3211 Shawnee Industrial Way

75 Spring Street, SW

P.O. Box 550105

Suwanee, GA 30024-3601

Atlanta, GA 30303-3330

Atlanta, GA 30355-2605

Secretary of the Treasury

Tennessee Department of Revenue

U. S. Securities and Exchange Commission

15th &amp; Pennsylvania Avenue, NW

c/o TN Attorney General's Office

Suite 1000

Washington, DC 20200

Bankruptcy Division

3475 Lenox Road, NE

P.O. Box 20207

Atlanta, GA 30326-3235

Nashville, TN 37202-4015

U.S. Foodservice, Inc (Delaware)

Atlanta Division

AIE Company

c/o Simpson Law Offices, LLP

1340 Russell Federal Building

6670 Best Friend Road

PO Box 550105

75 Spring Street, SW

Norcross, GA 30071-2917

Atlanta, GA 30355-2605

Atlanta, GA 30303-3315

AIEN USA LP

AT&amp;T

AT&amp;T Mobility

PO Box 671110

PO Box 105262

PO Box 6363

Dallas, TX 75267-1110

Atlanta, GA 30348-5262

Carol Stream, IL 60197

American Express

American Express Travel Related Services

BB&amp;T Insurance Services

PO Box 360001

Co, Inc Corp Card

Ste 320

Fort Lauderdale, FL 33336-0001

POB 3001

1825 Barrett Lakes Blvd

Malvern, PA 19355-0701

Kennesaw, GA 30144-7570

(p)BIRCH COMMUNICATIONS

Blue Cross Blue Shield of GA

(p)BB AND T

4885 RIVERSIDE DR

PO Box 105789

PO BOX 1847

SUITE 304

Atlanta, GA 30348-5789

WILSON NC 27894-1847

MACON GA 31210-1148

CIT Technology Financing Services, Inc.

Cintas

Concentra Medical Ctr

Bankruptcy Processing Solutions, Inc.

1055 Progress Blvd

Occupational Health Ctr

800 E Sonterra Blvd., Suite 240

Lawrenceville, GA 30043-4646

PO Box 82730

San Antonio, TX 78258-3941

Atlanta, GA 30354-0730

Dadepaper

Dispromex

Edward Don &amp; Company

600 Hartman Ind. Ct SW

3715 Collins Lane

2562 Paysphere Cr

Ste 200

Louisville, KY 40245-1637

Chicago, IL 60674-0025

Austell, GA 30168-7889

Edward Don &amp; Company

Gas South

Georgia Crown Dist.

Attn: Edward T. Ranier

PO Box 530552

255 Villanova Dr SW

2500 S Harlem Avenue

Atlanta, GA 30353-0552

Alpharetta, GA 30023

North Riverside, IL 60546-1473

Georgia Department of Revenue  
PO Box 105296  
Atlanta, GA 30348-5296

Georgia Dept. of Labor  
Suite 826  
148 Andrew Young Inter. Blvd., NE  
Atlanta GA 30303-1732

Georgia Dept. of Revenue  
Bankruptcy Section  
P. O. Box 161108  
Atlanta GA 30321-1108

Gregson T. Haan, Esq.  
McCullough Payne & Haan LLC  
171 17th Street, Suite 975  
Atlanta, GA 30363-1029

Gwinnet County Tax Comm  
PO Box 372  
Lawrenceville, GA 30046-0372

Heshey Foods  
PO Box 198510  
Atlanta, GA 30384-8510

Hispano Caribe  
3793A North peachtree Road  
Atlanta, GA 30341-2252

IGP Inc.  
6030 Bethelview Rd  
Ste 203  
Cumming, GA 30040-8022

Intedge Mfg. Inc.  
PO Box 969  
Woodruff, SC 29388-0969

International Gourmet Prods.  
6030 Bethelview Rd  
Ste 203  
Cumming, GA 30040-8022

J.T. Imports, Inc.  
c/o Douglas L. Brooks, P.C.  
P.O. Box 8477  
Atlanta, GA 31106-0477

JT Imports  
2659 Boddie Place  
Duluth, GA 30097-3707

Jackson EMC  
PO Box 100  
Jefferson, GA 30549-0100

Los Amigos Tortilla Mfng  
251 Armour Drive  
Atlanta, GA 30324-3979

Mason Food Prods  
1200 Alpha Drive  
Alpharetta, GA 30004-5206

Metro Bag LLC  
1150 Cobb International Pkwy  
Ste 100  
Kennesaw, GA 30152-8245

Metropolitan Technologies  
5865 Peachtree Corners East  
Ste C-2  
Norcross, GA 30092

Mike Smith Admin, Leon Estate  
PO Box 1246  
7 Lumpkin Street  
Lawrenceville, GA 30046-8440

Miss. St. Tax Comm  
Sales tax Division  
PO Box 960  
Jackson, MS 39205-0960

Monterrey Real Estate LLC  
1605 Spectrum Drive  
Lawrenceville, GA 30043-5743

Norman Boyd  
165 Meadows Ct  
Dawsonville, GA 30534

Northside Forklift  
980 Cripple Creek Drive  
Lawrenceville, GA 30043-4403

Ole Mexican Foods Inc.  
6585 Crescent Drive  
Norcross, GA 30071-2901

Olympica Produce Co.  
16 Forest Pkwy  
Unit #3  
Forest Park, GA 30297-2015

PFG Miltons  
PO Box 931533  
Atlanta, GA 31193-1533

Penske Truck Leasing  
PO Box 532658  
Atlanta, GA 30353-2658

Penske Truck Leasing Co., L.P.  
1655 Cross Pointe Way  
Duluth, GA 30097-4077

Performance Food Group  
12650 E. Arapahoe Rd  
Attn David Easton  
Centennial, CO 80112-3901

Republic Services  
PO Box 9001099  
Louisville, KY 40290-1099

Securnet Protective Serv.  
6115 Jimmy Carter Blvd  
Ste B  
Norcross, GA 30071-4607

Solar Chemical Co.  
PO Box 20272  
Atlanta, GA 30325-0272

Standard Coffee  
Document  
PO Box 930814  
Norcross, GA 30003-0814

Standard Coffee Service  
640 Magazine St.  
New Orleans, LA 70130-3406

Stanislaus Food Prods.  
PO Box 3951  
Modesto, CA 95397-0001

Superior Bookkeeping & Data  
PO Box 2689  
Peachtree City, GA 30269-0689

Sysco Food Services  
PO Box 490379  
Atlanta, GA 30349-0379

Team Pest USA  
305 W. Pike St.  
Lawrenceville, GA 30046-4894

Tenn. Dept of Revenue  
500 Deadrick Street  
Nashville, TN 37242-0002

Tennessee Department of Revenue  
c/o TN Atty General's Office  
Bankruptcy Division  
PO Box 20207  
Nashville, TN 37202-4015

The Commissioner of Revenue of the  
State of Tennessee  
Tennessee Department of Revenue  
P.O. Box 20207  
Nashville, TN 37202-4015

Toluca Foods Inc.  
987 Sampler Way  
Atlanta, GA 30344-1808

Triamark South  
Dept CH 17131  
Palatine, IL 60055-0001

US Foodservice  
7950 Spence Road  
Fairburn, GA 30213-2953

Wachovia Bank NA  
8740 Research Drive  
Charlotte, NC 28262-8570

Wachovia Bank NA  
Commercial loan Services  
PO Box 740502  
Atlanta, GA 30374-0502

Wachovia Comm. Loan Pmt Ctr  
PO Box 740502  
Atlanta, GA 30374-0502

Waste Management  
PO Box 105453  
Atlanta, GA 30348-5453

Workflow One  
PO Box 1397  
Dayton, OH 45401-1397

XTRA Lease  
PO Box 99262  
Chicago, IL 60693-9262

Scott B. Riddle  
Suite 3250 - One Atlantic Center  
1201 West Peachtree St., NW  
Atlanta, GA 30309-3449

John Vian, Esq.  
Brian Hall, Esq.  
Smith Gambrell & Russell  
Ste 3100, 1230 Peachtree St NE  
Atlanta GA 30309